

# Notice of Allowability

Application No.

09/866,191

Examiner

John W Hayes

Applicant(s)

RABENOLD ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendments filed 21 April 2004 and 12 May 2004.
2. ☒ The allowed claim(s) is/are 74,78 and 83.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*John W. Hayes*  
John W Hayes  
Primary Examiner  
Art Unit: 3621

***Allowable Subject Matter***

1. Claims 74, 78 and 83 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent No. 6,449,601 B1 to Friedland et al; 6,415,269 B1 to Dinwoodie and WO 92/15174 A1 to Grusin et al

Friedland et al disclose a system that integrates a remote auction audience with an onsite auction audience within a traditional-style, live auction while leaving an auctioneer in complete control of the auction event. Friedland further discloses a bid system for transmitting information to remote bidders, receiving auction bids from the remote bidders and transmitting to the remote bidders information regarding the acceptance and rejection of the onsite and remote auction bids. Friedland further discloses a clerk system operable to process auction bids from one or more onsite bidders and remote bidders.

Dinwoodie discloses an interactive remote auction bidding system and teaches that the auction site comprises a location remote from the participants at which bids are accepted and the auction is controlled by an auctioneer located at the auction site. The auctioneer functions in a capacity similar to the capacity of an auctioneer in a typical auction where participants are located at the auction site. The auctioneer is in complete control of the auction by deciding whether or not an accepted bid was the final asking bid for the lot.

Grusin et al disclose an interactive auction system wherein a live auction is conducted in conjunction with a plurality of remote sites and conducted by an auctioneer who is in complete control of the auction.

"DoveBid Announces Live Webcast Capabilities for On-Site B2B Asset Auctions" discloses an on-site auction event that is also broadcast live over the Internet, thereby enabling remote buyers to bid real time.

As per Claims 74 and 78, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest a system that integrates a remote auction audience with an onsite auction audience within a traditional style, live auction while leaving an auctioneer in control of the auction event and specifically wherein the clerk system and bid system being event driven

Art Unit: 3621

systems operating subject to the occurrence of only non-time based events occurring under the direction of the auctioneer. The specific allowable feature, which distinguishes the present invention over the prior art is the event driven clerk and bid systems in a integrated remote and onsite live auction and wherein the clerk and bid systems operate subject to the occurrence of only non-time based events and occurring under the direction of the auctioneer.

As per Claim 83, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest degrading service in an auction system that integrates a remote auction audience with an onsite auction audience at a traditional style, live auction upon determination of a network packet loss by initially stopping the video stream, and upon continued packet loss, stopping the audio stream to ensure optimal auction bidding performance. The specific allowable feature, which distinguishes the present invention over the prior art is the degrading of service upon determination of a network packet loss by initially stopping the video stream, and upon continued packet loss, stopping the audio stream to ensure optimal auction bidding performance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3621

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

**Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

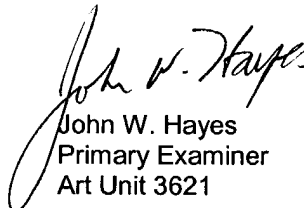
**U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202**

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-5531** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
John W. Hayes  
Primary Examiner  
Art Unit 3621

June 25, 2004

Art Unit: 3621

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Nancy Rabenold on 6/24/04.

Claim 74. (currently amended) A system that integrates a remote auction audience with an onsite auction audience within a traditional-style, live auction while leaving an auctioneer in control of the auction event, the system comprising:

a clerk system operable to process auction bids from one or more onsite auction bidders and remote auction bidders for an item being auctioned at a live auction site;

a bid system operable to:

transmit to one or more remote auction bidders information pertaining to the item being auctioned;

receive auction bids from the one or more remote auction bidders for the item being auctioned; and

transmit to the one or more remote auction bidders information regarding the acceptance and rejection of the onsite and remote auction bids; and

the clerk system and the bid system being event-[only]-driven systems operating subject to the occurrence of only non-time based events, the non-time based events occurring under the direction of the auctioneer, whereby the auctioneer manages the psychology and the pace of the auction.

Art Unit: 3621

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

**Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

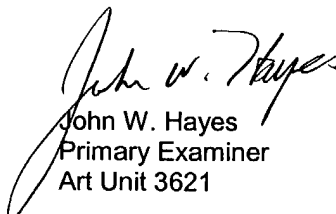
**U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202**

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-5531** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,  
VA, 7<sup>th</sup> floor receptionist.

  
John W. Hayes  
Primary Examiner  
Art Unit 3621

June 25, 2004